

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

No. 02-4183

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GAIL J. GALLOWAY,  
Appellant  
v.

PENNSYLVANIA BOARD OF PROBATION AND PAROLE, ("PBPP"); JOSEPH SMITH, individually and in his official capacity as agent for PBPP; DANIEL ROBERTS, individually and in his official capacity as District Director for PBPP; GEORGE JOHNSON, individually and in his official capacity as supervisor for PBPP; CHARLES GIORNESTO, individually and in his official capacity as agent for PBPP; ROBERT B. STEWART, III, individually and in his official capacity as District Attorney of Huntingdon County, PA; ARTHUR THOMAS, individually and in his official capacity as counsel for PBPP; K. SCOTT ROY, individually and in his official capacity as counsel for PBPP; THOMAS RIDGE, individually and in his official capacity as Governor of PA; WILLIAM WARD, individually and in his official capacity as Chairman of PBPP; SHARON BURKE, individually and in her official capacity as assistant to the Superintendent of Smithfield SCI; WILLIAM CALDWELL, individually and in his official capacity as judge of the U.S. District Court; SETH MENDELSON, individually and in his official capacity as counsel for the PA Office of Attorney General; FRED JACOBS, individually and in his official capacity as hearing examiner for PBPP; JOHN DOE #1, individually and in his official capacity as corrections officer for PA Department of Corrections; NEIL MECHLIN, individually and in his official capacity as Superintendent for DOC at Waynesburg State Correctional Institution ("SCI"); JAMES MORGAN, individually and in his official capacity as Superintendent for DOC at Smithfield

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On Appeal From the United States District Court  
For the Middle District of Pennsylvania  
(D.C. Civ. No. 00-cv-00649)  
District Judge: Hon. Sylvia H. Rambo

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Submitted Under Third Circuit LAR 34.1(a)  
January 23, 2004

BEFORE: SLOVITER, NYGAARD and CHERTOFF, Circuit Judges

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**JUDGMENT**

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This case came on to be heard on the record from the United States District Court for the Middle District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a). On consideration whereof, it is now here ORDERED AND ADJUDGED by this court that the judgment of the District Court entered October 18, 2002, be and the same is hereby AFFIRMED IN PART and REVERSED IN PART. The matter is remanded to the District Court for further proceedings in accordance with the opinion of this Court.

ATTEST:

*Marice M. Waldron*

Clerk

DATED: January 28, 2004

Certified as a true copy and issued in lieu  
of a formal mandate on 2-19-04

*Marice M. Waldron*  
Teste:  
Clerk, U.S. Court of Appeals for the Third Circuit